

### REMARKS

The Office Action dated March 26, 2010, has been carefully reviewed and the foregoing Amendment has been made in consequence thereof.

Claims 1-12 are now pending in this application. Claims 1-12 stand rejected. Claims 13-56 are withdrawn from further consideration.

The rejection of Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0032495 by Ozaki (hereinafter referred to as "Ozaki") is respectfully traversed.

Initially, Applicants respectfully submit that the Section 102 rejection of Claims 1-12 is not a proper rejection. The Federal Circuit has opined that to anticipate a claim, a single source must contain all of the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 137, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). In addition, missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. See *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Moreover, as stated in M.P.E.P. § 2131, a claim is anticipated by a reference only if each and every element as set forth in the claim is found, either expressly or inherently described, in the cited reference. Applicants respectfully submit that Ozaki does not describe nor suggest, either expressly or inherently, a rule set that includes at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, applying a rule set configured to locate data input using full operand relative path information, and/or determining a health of a plant asset, as is recited in Claim 1.

In contrast, Ozaki describes a production management system that includes a plurality of pieces of production apparatus that are disposed on a production line (1), a production controller (2) coupled to the production apparatus, and a simulator (3). Simulator (3) performs a simulation of a physical distribution of the production apparatus pieces for a specified period of time using a simulation parameter, apparatus information, and process

information acquired from production controller (2). A re-simulation of the physical distribution is performed while receiving parameters regarding time-series data pertaining to the availability factor of each apparatus and the load factor of each apparatus obtained as a result of the simulation. A dispatch rule set for each apparatus or a group of pieces of apparatus having a single function is dynamically changed, thus feeding back the change to control of real physical distribution.

At paragraph [0009], for example, Ozaki describes assigning an automatically-extracted parameter, such as an equipment path for each device or process, to a production controller. Moreover, at paragraphs [0017]-[0018], Ozaki describes capturing data pertaining to a disturbance factor, such as a scheduled time for initiating and terminating an inspection, a test, and a maintenance of a production apparatus. Such disturbance factors are input to a simulation of the physical distribution. A user may update settings within the simulation and may set boundary-value conditions for determining a large production load that may “bottleneck” the system. Notably, Ozaki does not describe nor suggest a machine monitoring system wherein a list of users that are authorized to access a rule set are configured and wherein, data representative of the rule set may be inputted into the machinery monitoring system by an authorized end user.

Claim 1 recites a method of managing a machinery monitoring system. The method comprises “configuring a list of users that are authorized to access a rule set . . . importing, by an authorized end user, data representative of a rule set into the machinery monitoring system....”

Ozaki does not describe nor suggest a method of managing a machinery monitoring system as is recited in Claim 1. More specifically, Ozaki does not describe nor suggest a machine monitoring system wherein a list of users that are authorized to access a rule set are configured and wherein, data representative of the rule set may be inputted into the machinery monitoring system by an authorized end user. Rather, in contrast, Ozaki describes a production management system wherein any user may access and set system values. As such, Ozaki does not describe nor suggest limiting user access to a rule set.

Moreover, Ozaki does not describe nor suggest a rule set that includes at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, as is recited in Claim 1. Rather, the Abstract of Ozaki describes a dispatch rule set for each apparatus that is dynamically changed, and that feeds back the changes to control a physical distribution of the apparatus. Ozaki fails to describe or suggest that a rule is expressed as a relational expression of data output relative to data input.

Furthermore, Ozaki does not describe nor suggest applying a rule set that is configured to locate data input using full operand relative path information, as is recited in Claim 1. At paragraph [0009], Ozaki references an automatically-extracted equipment path, but fails to describe or suggest that the equipment path is relative or that the equipment path is used by a rule set to locate data input as is recited in Claim 1.

Still further, Ozaki does not describe nor suggest determining a health of a plant asset, as is recited in Claim 1. Rather, in contrast, Ozaki merely refers to inspection and maintenance of a production apparatus in the sense that scheduled inspections and maintenance are “disturbance factors” that may affect a simulation of physical distribution. Nowhere does Ozaki describe nor suggest determining a health of a plant asset. Rather, the output of Ozaki is limited to a decision regarding the physical distribution of material.


Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ozaki.

Claims 2-12 depend from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Ozaki.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. § 102 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reaser, III', written over a horizontal line.

Robert B. Reaser, III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070